

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lewis Brady,)	
)	
Plaintiff,)	
)	Civil Action No. 2:23-cv-106-BHH
v.)	
)	
Live 5 News; Fox 24 News;)	<u>ORDER</u>
Hill-Finklea Detention Center; St.)	
Stephen Police Department; and)	
Berkeley County Sheriff's Department,)	
)	
Defendants.)	
)	

This matter is before the Court upon Plaintiff Lewis Brady's ("Plaintiff") pro se complaint alleging violations of South Carolina state law and, possibly, the Fourteenth Amendment. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary determinations.

On May 4, 2023, Magistrate Judge Mary Gordon Baker issued a report and recommendation ("Report"), outlining the issues and recommending that the Court summarily dismiss this action based on Plaintiff's failure to comply with an order of the Court pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Magistrate Judge's Report also recommends that the Court dismiss this action without prejudice and without further leave to amend or bring into proper form, as Plaintiff has had the opportunity to do so, for failure to state a claim upon which relief may be granted and for lack of jurisdiction. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a

copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no party has filed objections to the Report, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s thorough analysis. Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 10), and the Court dismisses this action without prejudice and without further leave to amend or bring the case into proper form, for the specific reasons set forth by the Magistrate Judge in the Report.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

May 24, 2023
Charleston, South Carolina